

REMARKS

Before entry of this Response, the status of the application according to the Decision on Appeal is as follows:

- Claims 1, 9, 15, 20, and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,922,631 to Anderie (hereinafter “Anderie”).
- Claims 2-4, 6-8, 10-14, 16-19, 21, and 23-25 are not rejected or objected to.

Appellant hereby amends claims 1 and 26, without prejudice, as shown in the preceding Listing of Claims. Support for these amendments may be found in the specification as filed, and at least at page 5, line 28, to page 6, line 8, and FIG. 2E of the application as filed. No new matter has been added thereby.

1. Claims 1, 9, 15, 20, and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anderie. Appellant respectfully traverses this rejection as applied to the claims, as amended.

Appellant amended independent claim 1 to recite that the rib “projects beyond a bottom most surface of the torsion system,” as opposed to an adjacent surface. Appellant believes the amendment is consistent with the discussion in the Decision on Appeal. Appellant respectfully submits that Anderie fails to teach or suggest such a structure. See, for example, FIG. 10 of Anderie.

Thus, Anderie does not teach or suggest a cycling shoe including a torsion system that comprises a rib that **“projects beyond a bottom most surface of the torsion system,”** as recited in Appellant’s independent claim 1. Because claims 9, 15, and 20 depend either directly or indirectly from independent claim 1, and include all of the limitations thereof, Appellant respectfully submits these claims are allowable as well.

Appellant amended independent claim 26 to recite that the rib “tunes torsionability of the cycling shoe,” as recited in dependent claim 6, which is not rejected. Appellant respectfully submits that Anderie fails to teach or suggest such a structure.

Thus, Anderie does not teach or suggest a cycling shoe including a torsion system that comprises a rib that **“tunes torsionability of the cycling shoe,”** as recited in Appellant’s independent claim 26.

Accordingly, Appellant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 9, 15, 20, and 26 under 35 U.S.C. §102(b) based on Anderie.

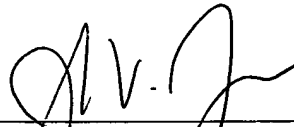
CONCLUSION

In view of the foregoing, Appellant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1-4, 6-21, 23-26 in due course. The Examiner is invited to contact Appellant’s undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: December 21, 2005
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LIBC/2655225.1